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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Peter Colin Weston BURT

Serial Number: 09/379,492

Filed: August 23, 1999

For: Device

Group Art Unit: 3754

Examiner: Derakshani



TERMINAL DISCLAIMER

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I, Richard E. Fichter, represent that I am the attorney of record for the above-identified application.

Glaxo Group Limited (hereinafter referred to as "Assignee") is the owner of the entire right and title to the above-captioned patent application and the invention and improvements therein disclosed for the United States, by virtue of an assignment from the inventors to Glaxo Group Limited dated June 22, 1995, and recorded at Reel 7685 Frame 0442, on July 18, 1995. Assignee is also owner of the entire right and title to co-pending patent application serial number 09/149,858 filed on September 9, 1998, by virtue of the same assignment from the inventors to Glaxo Group Limited. The present application and the co-pending application are based on the same initial filing in the United States.

The terminal part of any patent granted on the above-captioned application which would extend beyond the expiration date of the full statutory term of any patent issuing on the co-pending '858 application is hereby disclaimed. Any patent granted on the above-captioned application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any U.S. Patent

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issuing, this agreement to run with any patent on the above-captioned application to be binding upon the grantee, its successors or assigns.

However, no rights available under the provisions of 35 U.S.C. §§155 and 156 are hereby waived.

No terminal part is disclaimed of any patent granted on the above-captioned application prior to the expiration date of the full statutory term of the U.S. Patent issuing on the '858 application in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term, except for the separation of legal title stated above.

The Terminal Disclaimer fee of \$110.00 is submitted herewith. Please charge any additional fees or credit any overpayments in connection with this paper to Deposit Account No. 02-0200. A duplicate copy of this paper is enclosed.

I, Richard E. Fichter, hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine, or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-captioned patent.

Respectfully submitted,

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February 23, 2000